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6 Attorneys for Defendants
DEPUY, INC. and DEPUY SPINE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SPOTLIGHT SURGICAL, INC.

Plaintiff,

vs.

DEPUY, INC. AND DEPUY SPINE, INC.,

Defendants.

Case No. CV 07-03362 JF RS

STIPULATION TO EXTEND THE DATE FOR DEFENDANTS DEPUY, INC.'S AND DEPUY SPINE, INC' S RESPONSE TO COMPLAINT

Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants had an extension of time up to and including May 28, 2008 to answer or otherwise respond to Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law Unfair Competition.

The parties have exchanged drafts of a settlement agreement, however, a new issue has recently been raised that the parties are considering. The parties are still hopeful that they will be able to finalize their settlement and dismiss this matter shortly. Thus, the parties, by and through their undersigned attorneys, hereby stipulate and agree that Defendant shall have an additional

1 extension of thirty days (30) days to answer or otherwise respond to Plaintiff's Complaint, up to
2 and including June 27, 2008.

3 This will be the tenth extension of time entered in this case, however, the earlier
4 extensions of time were for less than thirty days. This stipulation is not entered into for any
5 purposes of delay. Rather, the parties have a good faith belief that they will shortly settle this
6 matter and, under such circumstances, do not wish to unnecessarily expend either the Court's or
7 their time and resources on further litigation.

8 Dated: May 27 2008

MORGAN, LEWIS & BOCKIUS LLP

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10 By 
Diane J. Mason

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12 Attorneys for Defendant DEPUY, INC. and
13 DEPUY SPINE, INC.

14 Dated: May 27 2008

HELLER EHRMAN LLP

15 By 
Harold J. Milstein

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17 Attorneys For Plaintiff SPOTLIGHT
18 SURGICAL, INC.

19
20 PURSUANT TO STIPULATION, IT IS SO ORDERED

21 Dated: 5/28/08

22 
The Honorable Jeremy Fogel
United States District Judge